

AMENDED IN SENATE JUNE 11, 2012

AMENDED IN ASSEMBLY APRIL 24, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2372

Introduced by Assembly Member Hill

February 24, 2012

An act to amend Section 2025.510 of the Code of Civil Procedure, relating to civil discovery.

LEGISLATIVE COUNSEL'S DIGEST

AB 2372, as amended, Hill. Deposition transcripts: costs.

The Civil Discovery Act provides a comprehensive procedure for the noticing, conduct, and transcription or recording of oral depositions. Existing law requires the party noticing the deposition to bear the cost of the transcription, unless the court, on motion and for good cause, orders that the cost be borne or shared by another party. The requesting attorney or a party representing himself or herself is required to timely pay the deposition officer or entity providing the services of the deposition officer for the transcription, and any other deposition products or services that are requested.

This bill would require the requesting attorney or a party representing himself or herself, upon the written request of a deposition officer who has obtained a final judgment for payment of services provided pursuant to the provisions described above, to provide to the deposition officer an address that can be used to effectuate service of summons by personal delivery, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2025.510 of the Code of Civil Procedure
2 is amended to read:

3 2025.510. (a) Unless the parties agree otherwise, the testimony
4 at any deposition recorded by stenographic means shall be
5 transcribed.

6 (b) The party noticing the deposition shall bear the cost of that
7 transcription, unless the court, on motion and for good cause
8 shown, orders that the cost be borne or shared by another party.

9 (c) Notwithstanding subdivision (b) of Section 2025.320, any
10 other party or the deponent, at the expense of that party or
11 deponent, may obtain a copy of the transcript.

12 (d) If the deposition officer receives a request from a party for
13 an original or a copy of the deposition transcript, or any portion
14 thereof, and the full or partial transcript will be available to that
15 party prior to the time the original or copy would be available to
16 any other party, the deposition officer shall immediately notify all
17 other parties attending the deposition of the request, and shall,
18 upon request by any party other than the party making the original
19 request, make that copy of the full or partial deposition transcript
20 available to all parties at the same time.

21 (e) Stenographic notes of depositions shall be retained by the
22 reporter for a period of not less than eight years from the date of
23 the deposition, where no transcript is produced, and not less than
24 one year from the date on which the transcript is produced. Those
25 notes may be either on paper or electronic media, as long as it
26 allows for satisfactory production of a transcript at any time during
27 the periods specified.

28 (f) At the request of any other party to the action, including a
29 party who did not attend the taking of the deposition testimony,
30 any party who records or causes the recording of that testimony
31 by means of audio or video technology shall promptly do both of
32 the following:

33 (1) Permit that other party to hear the audio recording or to view
34 the video recording.

35 (2) Furnish a copy of the audio or video recording to that other
36 party on receipt of payment of the reasonable cost of making that
37 copy of the recording.

1 (g) If the testimony at the deposition is recorded both
2 stenographically, and by audio or video technology, the
3 stenographic transcript is the official record of that testimony for
4 the purpose of the trial and any subsequent hearing or appeal.

5 (h) (1) The requesting attorney or party appearing in propria
6 persona shall timely pay the deposition officer or the entity
7 providing the services of the deposition officer for the transcription
8 or copy of the transcription described in subdivision (b) or (c), and
9 any other deposition products or services that are requested either
10 orally or in writing.

11 (2) This subdivision shall apply unless responsibility for the
12 payment is otherwise provided by law or unless the deposition
13 officer or entity is notified in writing at the time the services or
14 products are requested that the party or another identified person
15 will be responsible for payment.

16 (3) This subdivision does not prohibit or supersede an agreement
17 between an attorney and a party allocating responsibility for the
18 payment of deposition costs to the party.

19 (4) The requesting attorney or party appearing in propria
20 persona, upon the written request of a deposition officer who has
21 obtained a final judgment for payment of services provided
22 pursuant to this subdivision, shall provide to the deposition officer
23 an address that can be used to effectuate service *for the purpose*
24 *of Section 708.110* in the manner specified in Section 415.10.

25 (i) For purposes of this section, “deposition product or service”
26 means any product or service provided in connection with a
27 deposition that qualifies as shorthand reporting, as described in
28 Section 8017 of the Business and Professions Code, and any
29 product or service derived from that shorthand reporting.